

ORDINANCE NO. 2846

AN ORDINANCE AMENDING CHAPTER 5, SECTION 5-38, DESTRUCTION OR SALE OF IMPOUNDED ANIMALS; STERILIZATION OF ADOPTED DOG OR CAT OF THE BROKEN ARROW CODE; AND REPEALING ALL ORDINANCES TO THE CONTRARY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BROKEN ARROW:

SECTION I. Article I – In General, Section 5-38 is hereby amended to read as follows:

Sec. 5-38. Destruction or sale of impounded animals; sterilization of adopted dog or cat.

(a) Except as hereinafter provided, any animal which is impounded by the city pursuant to the provisions of this chapter, and which is neither claimed nor adopted, shall be destroyed or disposed of through adoption after five days from the time of its impoundment at the shelter, or five days from the time of proof of the receipt of certified written notice to the owner of the license (if known), whichever is later. Any days that the shelter is closed to the public shall not be counted in the five-day period. Provided that actual notice by telephone or other forms of personal contact may be used instead of written notice by mailing.

(b) An animal's impoundment period will be increased by 48 hours should that impounded animal display a tag or markings indicating that:

- (1) The owner of such animal is a city resident; or
- (2) Such animal is properly vaccinated within 12 months immediately preceding its impoundment.

(c) Under authority of the Dog and Cat Sterilization Act of Oklahoma, any dog or cat having no known owner may be released for adoption (1) if the animal is licensed, and (2) if the said animal has been sterilized. An adoption fee of \$50.00 will be charged for all animals. This fee shall include the cost of surgically spaying and neutering all dogs and cats at an off-site facility identified by the City. If a licensed veterinarian determines that an animal cannot be sterilized at the time of adoption, the adopting party shall sign an agreement to have the animal sterilized within six (6) months. Upon execution of this agreement, the animal will be released to the veterinarian identified by the adopting party. In addition, the adoption of an animal under an agreement to have the animal sterilized under the terms of this article, and the failure to comply with the sterilization agreement may be prosecuted as a misrepresentation to a city official under Broken Arrow Code section 16-42 or future amendments thereto. No refund shall be made unless the animal was sterilized:

- (1) Within 60 days from the date of adoption in the case of adult animals; or
 - (2) Within 30 days following the date that a female animal attained the age of six months; or
 - (3) Within 30 days following the date that a male animal attained the age of eight months.
- (d) While there are various fees collectable by the city under the provisions of this Code, it is the expressed intention of the council to only recover those fees. Under no circumstances shall the City of Broken Arrow become involved in the sale of impound animals. Any employee found to be involved in the commercial sale of animals from the shelter shall be subject to discipline, up to and including termination. Provided that if the City of Broken Arrow comes into possession of domestic livestock, such as cattle, horses, swine, sheep, goats and domestic fowl of the type commonly raised for commercial sale and not as domestic house pets, such animals may be sold through normal commercial channels.

SECTION II. Any ordinances or parts of ordinances found to be in conflict herewith are hereby repealed.

PASSED AND APPROVED this 19th day of February, 2007.

MAYOR

ATTEST:

(SEAL) CITY CLERK

APPROVED:

CITY ATTORNEY